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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/619,699	07/19/2000	Kunio Kobayashi	0162/00561	1768

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EXAMINER

WEISBERGER, RICHARD C

ART UNIT	PAPER NUMBER
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3693

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/619,699	Applicant(s) KOBAYASHI ET AL.	
	Examiner Richard C. Weisberger	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-97 is/are pending in the application.
- 4a) Of the above claim(s) 20-62,68-81 and 85-97 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-19,64-67 and 84 is/are allowed.
- 6) ☒ Claim(s) 1-3,63,82 and 83 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Applicant's election without traverse of claims 1-19, 63-67 and 82-84 in the reply filed on Sept 2004 is acknowledged.

This application contains claims drawn to an invention nonelected with traverse in the reply filed on above date. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Drawings

Fig 1 and 2 should be labeled "prior art".

Claim Rejections - 35 USC § 112

Claims 1-19, 63-67 and 82-84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following steps are vague and indefinite:

(c) said server device makes a check for matching between said updated aimed values and said aimed value information of said participant devices (it is not clear what is being matched); and

(d) upon first detection of matching in said step (c), said server device decides that said aimed value of that one of said participant devices which corresponds to said updated value having matched said aimed value information is maximum or minimum (it is not clear what algorithm this corresponds to).

2. (Original) The method of claim 1, further comprising a step of repeating the updating of said initial value in said step (b) and the check for matching in said step (c) when no matching is detected in said step (c) (it is not clear what is causing the updating).

3. (Original) The method of claim 2, wherein said step (b) includes a step of generating said updated initial value by said server device.

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-3, 63, are rejected under 35 U.S.C. 102(a) as being anticipated by DOC CB of IDS of July 2003.

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1. (Original) A quantitative competition method for a system in which a plurality of participant devices send their secret aimed values to a server device and said server device determines which of said plurality of participant devices has offered the maximum or minimum one of said aimed values received, said method comprising the steps wherein:

(a) each of said participant devices processes an initial value peculiar to said participant device with a predetermined one-way function by the number of times corresponding to said aimed value to generate aimed value information;

(b) either one of said each participant device and said server device processes said initial value with said one-way function to generate an updated initial value;

(c) said server device makes a check for matching between said updated aimed values and said aimed value information of said participant devices; and

(d) upon first detection of matching in said step (c), said server device decides that said aimed value of that one of said participant devices which corresponds to said updated value having matched said aimed value information is maximum or minimum (see abstract).

2. (Original) The method of claim 1, further comprising a step of repeating the updating of said initial value in said step (b) and the check for matching in said step (c) when no matching is detected in said step (c) (see abstract).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 83 and 84 rejected under 35 U.S.C. 103(a) as being unpatentable over art of record.

The examiner takes official notice as to the one-way functions. It would have been obvious for one skilled in the art at the time to have implemented either of these as motivated by their known properties.

Claims 4-19, 64-67 and 84 are allowable.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C. Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571 272 6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard C Weisberger/
Primary Examiner, Art Unit 3693

Richard C Weisberger
Primary Examiner
Art Unit 3693